

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NOV 24 2008

GENE ALLEN ZARITSKY,

Plaintiff,

vs.

JACKIE CRAWFORD, et al.,

Defendant(s).

3:07-CV-0006-JCM (VPC)

**REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE**

November 21, 2008

This Report and Recommendation is made to the Honorable James C. Mahan, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B).

Before this court is plaintiff's motion to proceed and request for clarity (#67). In that motion, plaintiff requests that defendants Brian Suwinski, Tami Perino, and John Lednhardt be dismissed with prejudice. Defendants responded to the motion (#69) stating they have no objection to the dismissal of these defendants. No reply was filed. Therefore, it is recommended that plaintiff's motion to proceed and request for clarity be granted and defendants Brian Suwinski, Tami Perino, and John Lednhardt be dismissed without prejudice.

The parties are advised:

1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, the parties may file specific written objections to this report and recommendation within ten days of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the District Court.

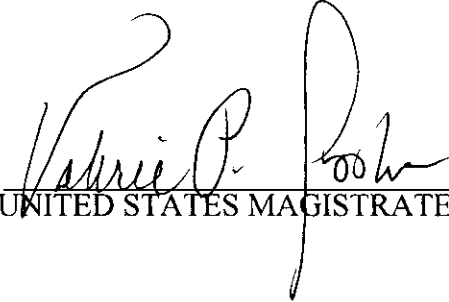
2. This report and recommendation is not an appealable order and any notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.

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RECOMMENDATION

IT IS THEREFORE RECOMMENDED that the district court enter an order
DISMISSING without prejudice defendants Brian Suwinski, Tami Perino, and John Lednhardt.

DATED: November 21, 2008.


UNITED STATES MAGISTRATE JUDGE